

**REMARKS**

Applicants have carefully reviewed the Application in light of the Final Office Action and the Advisory Action. At the time of the Office Action, Claims 1-48 were pending in the Application. The Examiner rejects Claims 1-33 and 48 and allows Claims 34-47. Applicants amend Claims 1, 12, 23, and 48 without prejudice or disclaimer. Applicants' amendments have been done to advance prosecution in this case and not to overcome the cited references. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

**Section 103 Rejection**

The Examiner rejects Claims 1-33 and 48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0248583 A1 issued to Satt et al. (hereinafter “*Satt*”) in view of U.S. Patent No. 6,611,547 issued to Rauhala (hereinafter “*Rauhala*”). Applicants respectfully submit that *Satt* and *Rauhala*, alone and in combination, fail to disclose, teach, or suggest each limitation recited in Applicants’ claims. For example, *Satt* and *Rauhala*, alone and in combination, fail to disclose “holding post-sector-change packets for the mobile device temporarily in a buffer in the gateway until pre-sector-change packets have been emptied from the class of service queues in the gateway” as recited in Claim 1. Instead, *Rauhala* discloses that “the buffer of the old base station BTS1 contains cells which the BTS1 has not had time to send over the radio path.” Col. 5, ll. 55-57. The “new cells . . . are sent to the base station BTS2, where they are buffered, instead of being sent to the base station BTS1.” Col. 5, ll. 52-54. *Satt* does not account for this deficiency, and the Examiner does not make any assertions to the contrary. Therefore, *Satt* and *Rauhala*, alone and in combination, fail to disclose, teach, or suggest “holding post-sector-change packets for the mobile device temporarily in a buffer in the gateway until pre-sector-change packets have been emptied from the class of service queues in the gateway.” Accordingly, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependents.

Independent Claims 12 and 23 each recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 1, *Satt* and

*Rauhala*, alone and in combination, do not disclose, teach, or suggest. Therefore, Applicants respectfully request reconsideration and allowance of independent Claims 12 and 23 together with their dependents.

Regarding Claim 48, *Satt* and *Rauhala*, alone and in combination, fail to disclose, teach, or suggest “generating the buffer in the gateway to temporarily hold the post-sector-change packets; and placing the post-sector-change packets in the buffer according to a label that identifies the post-sector-change packets.” Contrary to the Examiner’s assertion, *Rauhala* discloses “new cells coming from the other party are sent to the base station BTS2, where they are buffered . . . .” Col. 5, ll. 52-54. However, *Rauhala* fails to disclose “generating the buffer in the gateway” as recited in Claim 48. *Satt* does not account for this deficiency, and the Examiner does not make any assertions to the contrary. Therefore, *Satt* and *Rauhala*, alone and in combination, fail to disclose, teach or suggest “generating the buffer in the gateway to temporarily hold the post-sector-change packets; and placing the post-sector-change packets in the buffer according to a label that identifies the post-sector-change packets.” Accordingly, Applicants respectfully request reconsideration and allowance of Claim 48.

### **Allowable Subject Matter**

Applicants appreciate the Examiner’s allowance of Claims 34-47. *Office Action*, p. 8. The Examiner provides a statement of reasons for the indication of allowable subject matter. *Office Action*, p. 8. Pursuant to 37 C.F.R. § 1.104, Applicants respectfully issue a statement commenting on the Examiner’s reasons for the indication of allowable subject matter. Applicants respectfully disagree with the Examiner’s reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicants do not admit to any characterization or limitation of the claims, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations or to any characterization of a reference by the Examiner. Applicants have shown all pending claims to be allowable and respectfully request reconsideration and allowance of the pending claims.

**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of the pending claims.

The Commissioner is hereby authorized to charge the amount of \$790.00 to satisfy the Request for Continued Examination fee of 37 C.F.R. §1.17(e) to Deposit Account No. 02-0384 of Baker Botts, L.L.P. If this is not correct, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact its attorney, Christa Brown-Sanford, at (214) 953-6824.

Respectfully submitted,  
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at Customer No. **05073**